

Appln. No. 10/849,628
Amendment dated May 5, 2006
Reply to Office Action of February 6, 2006
Docket No. 7463-49 (CE11311JSW)

Amendments to the Claims:

This listing of claims will replace all prior versions and listings of claims in the instant application:

Listing of Claims:

1. (Currently Amended) A method of scaling polyphony comprising:
 - (a) identifying music data, wherein the music data indicates instruments to be used and each instrument has an assigned priority;
 - (b) comparing a measure of polyphony needed to play the music data with polyphony of a sound generating device; [[and]]
 - (c) if the measure of polyphony exceeds the polyphony of the sound generating device, playing the music data without using one or more instruments indicated by the music data according to the assigned priorities[.];
 - (d) for at least one instrument indicated by the music data, comparing a quality rating of the instrument on the sound generating device with a threshold corresponding to the instrument, wherein the sound generating device specifies quality ratings for the instruments; and
 - (e) if the quality rating of the instrument is less than the threshold, selecting a substitute instrument having a quality rating that exceeds the threshold, wherein a substitution of a higher quality instrument is merited based upon a sound quality of N alternative instruments available to the sound generating device, and using the substitute instrument in place of the at least one instrument of said step (d) during said step (c).
2. (Original) The method of claim 1, wherein the device is a mobile communication device.

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3. (Currently Amended) The method of claim 1, said step (c) further comprising identifying the one or more instruments of the sound generating device as having a low sound quality priority.
4. (Original) The method of claim 3, wherein one of the identified one or more instruments has a lowest priority.
5. (Currently Amended) The method of claim 1, said step of playing the music data comprising using instruments having a sound quality priority of 1 to N, where the polyphony of the sound generating device is equivalent to N.
6. (Currently Amended) The method of claim 1, ~~further comprising: wherein~~ the steps of identifying music data and comparing the measure of polyphony comprises synthesizing music data.
~~(d) for at least one instrument indicated by the music data, comparing a quality rating of the instrument of the sound generating device with a threshold corresponding to the instrument; and~~
~~(e) if the quality rating of the instrument is less than the threshold, using a substitute instrument in place of the at least one instrument of said step (d) during said step (e).~~
7. (Currently Amended) The method of claim 1, wherein the step of comparing the quality rating of the instrument on the sound generation device is done on a composition by composition basis.
~~6, said step (e) comprising selecting the substitute instrument having a quality rating that exceeds the threshold.~~

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8. (Currently Amended) A method of selecting instruments comprising:
identifying music data;

for at least one instrument indicated by the music data, comparing a quality rating of the instrument ~~of~~ on a sound generating device with a threshold corresponding to the instrument, wherein the sound generating device specifies quality ratings for the instruments;

if the quality rating of the instrument is less than the threshold, substituting a replacement instrument for the instrument, wherein a replacement of a higher quality instrument is merited based upon a sound quality of N alternative instruments available to the sound generating device, and wherein the replacement instrument has a quality rating that is higher than the threshold; and

playing the music data using the replacement instrument.

9. (Original) The method of claim 8, wherein the sound generating device is a mobile communication device.

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10. (Currently Amended) A machine readable storage, having stored thereon a computer program having a plurality of code sections executable by a machine for causing the machine to perform the steps of:

(a) identifying music data, wherein the music data indicates instruments to be used and each instrument has an assigned priority;

(b) comparing a measure of polyphony needed to play the music data with polyphony of a sound generating device; and

(c) if the measure of polyphony exceeds the polyphony of the sound generating device, playing the music data without using one or more instruments indicated by the music data according to the assigned priorities[.];

(d) for at least one instrument indicated by the music data, comparing a quality rating of the instrument on the sound generating device with a threshold corresponding to the instrument, wherein the sound generating device specifies quality ratings for the instruments; and

(e) if the quality rating of the instrument is less than the threshold, selecting a substitute instrument having a quality rating that exceeds the threshold, wherein a substitution of a higher quality instrument is merited based upon a sound quality of N alternative instruments available to the sound generating device, and using the substitute instrument in place of the at least one instrument of said step (d) during said step (c).

11. (Original) The machine readable storage of claim 10, wherein the device is a mobile communication device.

12. (Currently Amended) The machine readable storage of claim 10, said step (c) further comprising identifying the one or more instruments of the sound generating device as having a low sound quality priority.

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13. (Original) The machine readable storage of claim 12, wherein one of the identified one or more instruments has a lowest priority.

14. (Currently Amended) The machine readable storage of claim 10, said step of playing the music data comprising using instruments having a sound quality priority of 1 to N, where the polyphony of the sound generating device is equivalent to N.

15. (Canceled) ~~The machine readable storage of claim 10, further comprising:~~

~~(d) — for at least one instrument indicated by the music data, comparing a quality rating of the instrument of the sound generating device with a threshold corresponding to the instrument; and~~

~~(e) — if the quality rating of the instrument is less than the threshold, using a substitute instrument in place of the at least one instrument of said step (d) during said step (e).~~

16. (Canceled) ~~The machine readable storage of claim 15, said step (e) comprising selecting the substitute instrument having a quality rating that exceeds the threshold.~~

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17. (Currently Amended) A machine readable storage, having stored thereon a computer program having a plurality of code sections executable by a machine for causing the machine to perform the steps of:

identifying music data;

for at least one instrument indicated by the music data, comparing a quality rating of the instrument ~~of~~ on a sound generating device with a threshold corresponding to the instrument, wherein the sound generating device specifies quality ratings for the instruments;

if the quality rating of the instrument is less than the threshold, substituting a replacement instrument for the instrument, wherein a replacement of a higher quality instrument is merited based upon a sound quality of N alternative instruments available to the sound generating device, and wherein the replacement instrument has a quality rating that is higher than the threshold; and

playing the music data using the replacement instrument.

18. (Original) The machine readable storage of claim 17, wherein the sound generating device is a mobile communication device.